

FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID A. GRADY,
RESPONDENT

:
:
FINAL DECISION AND ORDER
:

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

David A. Grady
1633 North Prospect Avenue
Milwaukee, Wi. 53202

Real Estate Board
P.O. Box 8935
Madison, Wi. 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wi. 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. At all relevant times, David A. Grady, Respondent herein, was duly licensed as a real estate salesperson in the State of Wisconsin.
2. Respondent's license, which bears number 7477, was issued on June 24, 1977, and it expired on December 31, 1988.
3. On April 27, 1988, a Judgment In a Criminal Case was filed in the U.S. District Court in the Eastern District of Wisconsin, case #87 CR 40, indicating a verdict of guilty was entered against Respondent as to five counts

of making false statements to purchase property insured by HUD, in violation on Title 18 U.S.C., Sections 10.10 and 2, and one count of conspiracy to make false statements to purchase property insured by HUD, in violation of Title 18 U.S.C., Sections 10.10, 2 and 371.

4. Respondent has not practiced as a Real Estate Salesperson in the State of Wisconsin since March 1, 1988.

CONCLUSIONS OF LAW

1. The Real Estate Board has jurisdiction of this matter pursuant to Wis. Stats. sec. 452.14 (3).

2. By violating Title 18 U.S.C. Sections 10.10, 2 and 371, Respondent has violated laws, the circumstances of which substantially relate to the practice of a real estate salesperson; therefore, he has violated Wis. Admin. Code RL 24.17.

3. By violating Wis. Admin. Code RL 24.17, Respondent has demonstrated incompetency to act as a salesperson pursuant to Wis. Admin. Code RL 24.01 (3) and is thereby subject to discipline pursuant to Wis. Stats. sec. 452.14 (3) (i).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that David A. Grady's license to practice as a real estate salesperson in the State of Wisconsin is suspended for a period of one year effective the date of this Order. During the period of suspension Mr. Grady may not apply for either a real estate salesperson's license or a real estate broker's license.

IT IS FURTHER ORDERED that following the one year suspension, David A. Grady may not be issued a real estate salesperson's license or a real estate broker's license until he has successfully passed all examinations required for original licensure.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

REAL ESTATE BOARD

By:

Linda L. Schlauersky
A member of the Board

Date

May 24, 1990

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DAVID A. GRADY,	:	
RESPONDENT	:	

It is hereby stipulated and agreed, by and between, David A. Grady, Respondent herein, Gerald Boyle, Attorney for the Respondent, and Ruth E. Heike, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. That at all relevant times, the Respondent was licensed as a Real Estate Salesperson in the State of Wisconsin. His license, bearing number 7477, was issued June 24, 1977, and it expired December 31, 1988.

2. That Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to have a disciplinary complaint issued; the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by clear, satisfactory, and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for a rehearing; the right to appeal the final decision to the Circuit Court and through the court system; and to all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. That Respondent understands that the discipline imposed as a result of the attached Final Decision and Order will be published pursuant to the Department's policy on publication of disciplinary actions.

4. That the Real Estate Board has jurisdiction of this matter pursuant to Wis. Stats. sec. 452.14 (3); and The Real Estate Board has authority to enter into this Stipulation pursuant to Wis. Stats. sec. 227.44 (5).

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is May 30, 1990.

WLD:dms
886-490